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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/641,535	08/18/2000	Dong-Ho Song	2101785-991100	6807

26379 7590 10/15/2004

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EXAMINER


BACKER, FIRMIN

ART UNIT PAPER NUMBER

3621

DATE MAILED: 10/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/641,535	Applicant(s) SONG ET AL. 	
	Examiner Firmin Backer	Art Unit 3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 13 July 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7-12, 14-17, 19, 21-23, 25-27, 29-36, 38, 39, 41-47, 49 and 51 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-12, 14-17, 19, 21-23, 25-27, 29-36, 38, 39, 41-47, 49 and 51 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

***Response to Amendment***

This is in response to an amendment file on July 9<sup>th</sup>, 2004. In the amendment, claims 1, 10, 21, 27, 32, 36, 42, 47 and 49 have been amended, claims 6, 31 and 40 have been canceled, and no claim has been added. Claims 1-5, 7-12, 14-17, 19, 21-23, 25-27, 29-31, 32-36, 38, 39, 41-47, 49 and 51 remain pending in the letter.

***Response to Arguments***

1. Applicant's arguments with respect to claims 1-5, 7-12, 14-17, 19, 21-23, 25-27, 29-31, 32-36, 38, 39, 41-47, 49 and 51 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-5, 7, 10-12, 14-17, 19, 21-23, 25-27, 29-31, 32-36, 38, 39, 41-44, 47, 49 and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ahmad (U.S. Patent No. 5,925,127) in view of Liu (U.S. Patent No. 5,953,005) and in further view of Lewis (U.S. PG Pub No. 2003/0040962).

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4. As per claims 1, Ahmad discloses a system for renting a software program in a distributed computing environment (wherein the rental software program includes a main executable file and optional files called by the main executable file that are executed by the main executable file to implement the rental software program, (Abstract; Summary of the Invention, Figs 1-3, associated text; Col 2, lines 15-25), comprising a server computer system for downloading the main executable file contained in the rental software program to be executed in said user computer system and means for automatically downloading the one or more optional files as requested by said user computer system (see Ahmad: Figs 1-3., associated text) (a user computer system comprising a process manager means further comprising means for creating and running a process corresponding to the main executable file, means for suspending the process if the process requests one or more optional files, and means for re-starting the process if said process manager means receives the one or more optional files from said sewer computer system (Ahmad: Figs 3-4, related description; Col 3, line 20 - Col 4, line 37., Col 9, line 38 - Col 10, line 49). Ahmad does not specifically disclose automatically requesting additional optional files. Liu discloses a system and method for providing access to digital media online which consists of downloading to a client computer a main file followed optionally by additional files (Abstract, Figs 1-4, related descriptions, Col 2, lines 15-36) wherein the rental software program includes a main executable file and optional files (Liu: Col 2, lines 15-36), (and) comprising a user computer system including means for initially downloading the main executable file of the rental software program to begin execution of the rental software program and means, if an optional file is missing, for automatically requesting one or more optional files contained in the rental software program in order to continue execution of the rental software program using the

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optional files (Liu: Abstract, Figs 1-3, Fig 4. related description, Col 2, lines 15-36). It would have been obvious to one ordinarily skilled in the art at the time the invention was made to have combined the multiple files download feature of Liu's invention with Ahmad's system to provide a more flexible and attractive software rental distribution system, allowing users to request download, and pay for only the specific software modules they actually want to use. The combination of Ahmad and Lui fail to teach an inventive concept wherein the process manager flushes the main executable and the optional files of the rental program from the user computer system so that the rental software program is removed from the user computer system when the rental is completed. However Lewis teach an inventive concept wherein the process manager flushes the main executable and the optional files of the rental program from the user computer system so that the rental software program is removed from the user computer system when the rental is completed (see paragraph 0205). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Ahmad and Lui to include Lewis's an inventive concept wherein the process manager flushes the main executable and the optional files of the rental program from the user computer system so that the rental software program is removed from the user computer system when the rental is completed because this would ensure that the user would not use the program for any additional time.

5. As per claim 2, Ahmad in view of Liu discloses all the limitations of claim 1 Ahmad and Liu further disclose a storage means for storing the main executable file, ..optional files ..and a list of optional files downloaded from said server computer system (Ahmad: Fig 1, related description; a monitor means for monitoring the process to determine whether the process

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requests the one or more optional files, and further comprising means for intercepting a message requesting the one or more optional files from the process (Liu: Figs 4, 9-10, related description', Col 2, lines 56-60., Cols 5 - 8), and means for automatically requesting the one or more optional files to said sewer computer system (Liu: Figs 4, 9-10, related description', Col 2, lines 56-60., Cols 5 - 8). It would have been obvious to one ordinarily skilled in the art at the time the invention was made to combine the cited features of Ahmad's and Liu's inventions to provide a flexible, interactive, and attractive system for renting software to users via online communications channels.

6. As per claims 10 and 21, Liu discloses a method and computer-readable medial for renting a rental software program ...comprising: performing a communication connection between a user computer system and a server computer system based on a user-transparent install-free technology (Figs 1-2, related description; Col 2, lines 15-33; note Col 2, lines 36- 392 "the user is completely unaware of the automatic delivery of an applet including data and instructions from a main database server; displaying a list of rental software programs downloaded from the server computer system (Fig 2., Col 2, lines 39-40), selecting the rental software program in the list of rental software programs (Fig 2., Col 2, lines 39-40), downloading a main executable file associated with the rental software program from the server computer system to run a process corresponding to the main executable 5/e and begin execution of the rental software program (Fig 4, related description if the process needs one or more optional files, downloading the one or more optional files from the server computer system...files (Fig 4, related description). Liu also discloses that files downloaded with a main program to the

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user's computer system have the capability to control the execution of said program, including fetching additional files as needed, inserting them into the execution of the main program, synchronizing them, streaming the data as needed (Fig. 4, Box 88, related description). It would have been obvious to one ordinarily skilled in the art at the time the invention was made that to make this possible would require the use of interrupt calls to the customer's system, and to have set up the system with the same limitations as cited by claims 13 and 24: ... downloading the optional file further comprising: monitoring the process in the file monitor in order to determine whether the process needs the one or more optional files; if the process needs the one or more optional files, hooking a message requesting the one or more optional files from process suspending the process until the user computer system downloads the one or more optional files from the server computer system; and if the user computer system downloads the one or more optional files from the server computer system, re-running the process. It would have been obvious to one ordinarily skilled in the art at the time the invention was made to have combined Liu's multiple file download feature with Ahmad's software rental method to provide a dynamic software delivery system, wherein various modules of a software package may be delivered seamlessly and transparently to a client user, as each module is required. Such a system would also minimize storage demands on a user's computer system, as only the necessary software pieces would be downloaded from the server system. The combination of Ahmad and Lui fail to teach an inventive concept wherein the process manager flushes the main executable and the optional files of the rental program from the user computer system so that the rental software program is removed from the user computer system when the rental is completed. However Lewis teach an inventive concept wherein the process manager flushes the main executable and

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the optional files of the rental program from the user computer system so that the rental software program is removed from the user computer system when the rental is completed (see paragraph 0205). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Ahmad and Lui to include Lewis's inventive concept wherein the process manager flushes the main executable and the optional files of the rental program from the user computer system so that the rental software program is removed from the user computer system when the rental is completed because this would ensure that the user would not use the program for any additional time.

7. As per claim 16, Ahmad discloses that his system will comprise a downloaded file called 'software monitor' (SM) that controls and monitors the use of the main application program downloaded to the user's computer. The actual authorization to access the application program is further contained in another downloaded file, called a "check-in check-out module" (CICO). Once the rented application program has been used and the authorization for its use has expired, the SM module will delete the CICO, thus rendering the rented program inaccessible to the user (Figs 3-4, 5A-5B; Block 670 in Fig 5B; related description, Col 14, lines 7-14). Ahmad teaches that deleting key files downloaded onto a user's computer is a good method for preventing unauthorized access and/or use of the rental software. It would have been obvious to one ordinarily skilled in the art at the time the invention was made to implement a variation of Ahmad's method to a system of software rental/servicing that will comprise deleting the actual application program downloaded after it's been used. Such a variation would provide even stronger security because it would not leave any program code for a fraudulent user to attempt to



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hack into or copy. Such a system, combined with other features from Liu's invention, would meet all the limitations of claim 16, namely: A method for servicing an install-free application in an online software rental system, comprising: getting a list of applications available for a rental service from a server computer system (Liu: Fig 2), establishing a rental session between a client computer system and the server computer system (Ahmad Figs 1-2, Liu: Fig 3), fetching one or more application software from a plurality of application software stored in the server computer system (Ahmad Figs 1-2, Liu: Figs 1-22; executing the one or more application software in the client computer system using a main executable file and one or more optional files, wherein the one or more application software include . . . using the optional files, and if said prior step is complete, flushing the one or more application software rented from the server computer system (Ahmad Figs 5A-B; Liu: Figs 3-52). The combination of Ahmad and Lui fail to teach an inventive concept wherein the process manager flushes the main executable and the optional files of the rental program from the user computer system so that the rental software program is removed from the user computer system when the rental is completed. However Lewis teaches an inventive concept wherein the process manager flushes the main executable and the optional files of the rental program from the user computer system so that the rental software program is removed from the user computer system when the rental is completed (see paragraph 0205). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Ahmad and Lui to include Lewis's inventive concept wherein the process manager flushes the main executable and the optional files of the rental program from the user computer system so that the rental software program is removed from the

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user computer system when the rental is completed because this would ensure that the user would not use the program for any additional time.

8. As per claims 27 and 36: Both Ahmad and Liu disclose that the user's computer will serve as a means to select the software to be downloaded thus causing the software to be Dulled from the server computer system. As such, Ahmad in view of Liu meet the limitations of claims 27 and 36: A system for renting a rental software program in a distributed computing environment, wherein (27) the rental software program includes a main executable 5/e and one or more optional file called by the main executable #/e that are executed by the main executable f//e to implement the rental software program, (36) the system includes at least one client computer system and a server computer system and the rental software program includes a main executable file and one or more optional files, comprising a first means for pulling the main executable 5/e out of a server computer system to begin ..program and a second means for pulling the one or more optional files out of the server computer system ..from the process. The combination of Ahmad and Lui fail to teach an inventive concept wherein the process manager flushes the man executable and the optional files of the rental program from the user computer system so that the rental software program is removed from the user computer system when the rental is completed. However Lewis teach an inventive concept wherein the process manager flushes the man executable and the optional files of the rental program from the user computer system so that the rental software program is removed from the user computer system when the rental is completed (see paragraph 0205). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Ahmad

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and Lui to include Lewis's an inventive concept wherein the process manager flushes the man executable and the optional files of the rental program from the user computer system so that the rental software program is removed from the user computer system when the rental is completed because this would ensure that the user would not use the program for any additional time.

9. As per claim 32: Liu discloses that his system may, without prompting from the user, download files to the user's computer system while the session is ongoing (Liu: Col 2, lines 34-52), thus pushing files to the user's system. It would have been obvious to one ordinarily skilled in the art at the time the invention was made to have set up a system comprising such push technology, combined with Ahmad's process manager feature, for the purpose of delivering additional content/information to a user's system while the user is involved in browsing or executing previously downloaded software. Such a system would meet the limitations of claim 32. The combination of Ahmad and Lui fail to teach an inventive concept wherein the process manager flushes the man executable and the optional files of the rental program from the user computer system so that the rental software program is removed from the user computer system when the rental is completed. However Lewis teach an inventive concept wherein the process manager flushes the man executable and the optional files of the rental program from the user computer system so that the rental software program is removed from the user computer system when the rental is completed (see paragraph 0205). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Ahmad and Lui to include Lewis's an inventive concept wherein the process manager flushes the man executable and the optional files of the rental program from the user computer system so

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that the rental software program is removed from the user computer system when the rental is completed because this would ensure that the user would not use the program for any additional time.

10. As per claim 42: Both Ahmad and Liu disclose servers that store software intended for view and download by users Ahmad Fig 1; Liu Fig 1., related description). Both inventions also relate to fee-based application or multimedia software rental Ahmad Abstract, Col 8, line 58 - Col 9, line 15., Liu Col 5, lines 13-17). Accordingly, and in view of the features already cited in the previous claims, Ahmad in view of Liu meet all the limitations of claim 42. The combination of Ahmad and Lui fail to teach an inventive concept wherein the process manager flushes the man executable and the optional files of the rental program from the user computer system so that the rental software program is removed from the user computer system when the rental is completed. However Lewis teach an inventive concept wherein the process manager flushes the man executable and the optional files of the rental program from the user computer system so that the rental software program is removed from the user computer system when the rental is completed (see paragraph 0205). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Ahmad and Lui to include Lewis's an inventive concept wherein the process manager flushes the man executable and the optional files of the rental program from the user computer system so that the rental software program is removed from the user computer system when the rental is completed because this would ensure that the user would not use the program for any additional time.

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11. As per claim 47, Ahmad in view of Liu meet all the limitations of this claim as applied to the client portion of the system, based on the same citations used in claim 42 as well as previous claims above. The combination of Ahmad and Lui fail to teach an inventive concept wherein the process manager flushes the man executable and the optional files of the rental program from the user computer system so that the rental software program is removed from the user computer system when the rental is completed. However Lewis teach an inventive concept wherein the process manager flushes the man executable and the optional files of the rental program from the user computer system so that the rental software program is removed from the user computer system when the rental is completed (see paragraph 0205). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Ahmad and Lui to include Lewis's an inventive concept wherein the process manager flushes the man executable and the optional files of the rental program from the user computer system so that the rental software program is removed from the user computer system when the rental is completed because this would ensure that the user would not use the program for any additional time.

12. As per claims 3 and 43, Ahmad in view of Liu discloses all the limitations of claims 2 and 42. Ahmad further discloses that optional files sent with the downloaded main program may include control files that may be implemented as DLL (dynamic-link library) or OCX (Active X/OLE) files Ahmad Col 10, lines 39-49). Ahmad teaches that the mechanism for downloading and launching files) from the Internet is well known to those skilled in the art. While neither Ahmad nor Liu specifically mentions files stored in the registry of a user's system, it would have

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been obvious to one ordinarily skilled in the art that in order for files to be called and executed or used within a process, a list of those files would have had to be downloaded from the server and stored in the user system's registry. As such, Ahmad in view of Liu meets all the limitations of claims 3 and 43.

13. As per claims 4, 29, 38 and 49, Ahmad further discloses (a) system ... wherein said user computer system further includes protection means for protecting the rental software program rented from said server computer system to prevent an unauthorized use committed by said user computer system (Ahmad: Fig 3 - 5B, related description; and a billing database for storing billing information (Ahmad: Figs 5A-5B, related description). Neither Ahmad nor Liu specifically disclose a converting means for converting registry file information contained in the list of optional files into registry file information appropriate to said user computer system, However it would have been obvious to one ordinarily skilled in the art at the time the invention was made that both Ahmad's and Liu's inventions were targeted at user computer systems comprising many different operating systems (i.e. Windows/Intel, Apple MacIntosh, Unix/Linux, etc.). Since the communications network utilized by all those systems include the World Wide Web and Internet, and also in view of the fact that Liu's system utilized Java applets (a universally usable technology) to deliver software, it would have been inherent that the capability to convert such downloaded files for use on different user computers would have been necessary. As a result, any system built using a combination of Ahmad's and Liu's inventions would have had to incorporate this limitation.

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14. As per claims 5, 30, 39 and 50, Ahmad further discloses 1a) system . . . wherein the billing information includes a billing start time, a billing end time and the rental software program selected by said user computer system (Ahmad; Figs 5A-5B, related description; Col 1, lines 27-42).

15. As per claims 6, 31 and 40, As per claims 16 and 21 above, Ahmad teaches a method of deleting critical authorization files in order to deny access and use of the downloaded software. It would have been obvious for one ordinarily skilled in the art at the time the invention was made to implement a variation of Ahmad's method to a system of software rental/servicing that will comprise deleting the actual application program downloaded after it's been used. Such a variation would provide even stronger security because it would not leave any program code for a fraudulent user to attempt to hack into or copy. Such a system, combined with other features from Liu's invention, would meet all the limitations of claims 6, 31 and 40, A system. . . wherein said process manager means further comprising means for flushing the main executable file and the one or more optional file stored in said storage means when the process is complete based on the registry file information.

16. As per claims 7, 35, 41 and 44: Ahmad and Liu disclose that their system's servers include: a verification means for verifying said user computer system by using identification information of said user computer system stored in a user-information database (Ahmad, Figs 1-2, Liu Figs 1, 4-5., related description) a program database for storing path information of the main executable file, a list of rental software programs and a list of the optional files (Ahmad,

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Figs 1-2, Liu Figs 1, 4-5., related description); an analyzing means for analyzing a new rental software program when the new rental software program is installed in said server computer system, wherein said analyzing means further comprises means for storing the path information of the main executable file and a list of the optional files, associated with the new rental software program, in said program database (Ahmad Fig 3, Col 9, lines 16-37., Liu Figs 1-4, related description), a storage means for storing the main executable file and the one or more optional files and a means for obtaining and sending the main executable s/e stored in said storage means when said user computer system selects the desirable rental software program (Ahmad, Figs 1-3, Liu: Figs 1, 4-5., related description); and means for obtaining and sending the one or more optional 5/es stored in said storage means when said user computer system optionally requests the one or more optional files to said server computer system (Ahmad. Figs 1-2, Liu Figs 1, 4-5; related description).

17. As per claims 11 and 22, Both Ahmad and Liu disclose authentication of users prior to delivery of software and services, The method land computer-readable medial . . . wherein establishing the communications further comprises: performing the communication connection between the user computer system and the server computer system; and verifying the user computer system in the server computer system (Ahmad Figs 3-5B, related description, Liu Figs 4-5, related description).

18. As per claims 12 and 23, The limitations of these claims are all met by Ahmad in view of Liu the method computer-readable media. . . wherein downloading the file further comprises,



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downloading the main executable file and a list of optional files from the server computer system, wherein the optional files include a registry file (as per claims 3 and 43), converting registry file information contained in the list of optional file into registry files information appropriate to the user computer system (as per claims 4, 29, 38 and 49) and, running a file monitor and a protector, which protects the rental software program including the main executable file and the one or more optional files from an unauthorized use committed by the user computer system (see all above citations); storing a name of the rental software program selected by the user computer system and a billing start time in a billing information database of the user computer system; informing the server computer system of the billing start time (as per claims 5, 30, 39 and 50).. and creating and running the process corresponding to the main executable file (Ahmad, Figs A-B; Liu, Figs 3-5, 7-10, related description).

19. As per claims 14 and 25: Liu discloses a method and computer readable media) ...wherein the process completion step further comprises: determining whether the process has been complete, if the process has been complete, performing a procedure accompanying a process completion, determining whether the user computer system wants to select another rental software program, if the user computer system wants to select the another rental software program, repeating the steps to download the optional file; and if the user computer system does not want to select the another rental software program, terminates the communication connection between the user computer system and the server computer system (Figs 4-5, 7-10, related descriptions).

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20. As per claims 15, 26 and 51: Ahmad disclose A method and computer-readable medial. . wherein the process completion step further comprises if the process has been complete, terminating the file monitor and the protector; storing a billing end time in the billing information database of the user computer system; informing the server computer system of the billing end time; and flushing the main executable file and the one or more optional files stored in the storage device of the user computer system (Figs 5a-5B, related description', see rejection of claim 16 above).

21. As per claims 17 and 19: Ahmad and Liu both disclose the limitations cited in these claims. The method as recited in claim 16, wherein the list of applications is established on Internet (Ahmad col 4, Lines 38-40, Liu Abstract). The method as recited in claim 16, wherein the one or more application software is authorized by the server computer system (see claims 11 and 22 above).

22. As per claims 33 and 34: Liu discloses that content may be automatically pushed to the customer's computer system once connection is established (Col 6, lines 18-27). As such, it would have been obvious to one of ordinary skill in the art at the time the invention was made that this capability would lend itself perfectly to advertising, promotion, or delivery of free software to customers' systems. A system built using these teachings would have met with all the limitations of claims 33 and 34: (A system ... wherein said first and second means are intended for advertisement. A system ... Wherein said first and second means are intended for freeware.

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23. Claims 8-9 and 45-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ahmad in view of Liu and Lewis and further in view of Crawford, US Patent No 6,327,579).

24. As per claims 8 and 45: Ahmad, Liu and Lewis are silent on the subject of logs being kept for billing purposes at the host site of their inventions. It would have been obvious to one ordinarily skilled in the art at the time the invention was made that such logs would have to be inherent in both Ahmad's and Liu's systems. However Crawford is explicit in such logs being kept and will be used as further prior art in the following claims A system as recited..., wherein said server computer system further includes: a billing means for processing charge or fee to be paid for the usage of the main executable file and the one or more optional files associated with the rental software program provided to said user computer system (Crawford Figs 18, 21A, 21C, 21 D, 21E, 21F, related description) a log database for storing a log file necessary for recovering said server computer system when said server computer system is not operable due to a serious error (Crawford) Abstract', Col 8, lines 28-38: Crawford discloses that client's data/application software may be backed up and restored in case of catastrophic failure. It would have been obvious to one ordinarily skilled in the art at the time the invention was made that such backup and restore procedures would have been implemented for the host data, operating systems, rental application programs and optional files as well), a recovery means for recovering said server computer system by using the log file stored in said log database when said server computer system is not operable due to the serious error (same as above); a schedule management means for managing a schedule of computer system and another user requests from said user computer system (all three cited inventors target their inventions at multiple users, who

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will simultaneously log in to host servers and make requests for application software, optional files, and other services. It would have been obvious to one ordinarily skilled in the art at the time the invention was made that a schedule management means would have been inherently incorporated at the host site, in order to efficiently manage the delivery of such software and services in real time; and a session management means for managing a communication session between said user computer system and said sever computer system (same as above).

25. As per claims 9 and 46: The limitations cited in these two claims were addressed above for claims 3 and 43 and the claims are rejected on the same basis: (A system ..wherein said sever computer system sends the list of optional files to said user computer system when said sewer computer system sends the main executable file to said user computer system and wherein the optional file includes a registry file).

### *Conclusion*

26. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period

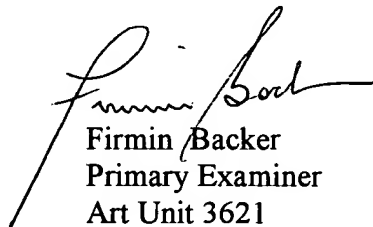
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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Firmin Backer whose telephone number is (703) 305-0624. The examiner can normally be reached on Mon-Thu 9:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on (703) 305-9768. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Firmin Backer  
Primary Examiner  
Art Unit 3621

October 11, 2004